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EXAMINER

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ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 11

Application Number: 09/470,871
Filing Date: December 23, 1999
Appellant(s): YUEN, HENRY C.

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For Appellant

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Technology Center 2100

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/14/03

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims Group I (claims 1-6 and 8), Group II (claim 9) and Group III (claim 10) do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,434,927	Brady et al.	07-1995
6,219,045	Leahy et al.	04-2001
6,346,956	Matsuda, Koichi	02-2002
5,696,892	Redmann et al.	12-1997
6,020,885	Honda, Yasuaki	02-2000
5,761,326	Brady et al.	06-1998
6,396,509	Cheng, Doreen Yining	05-2002
6,253,167	Matsuda et al.	06-2001
5,736,982	Suzuki et al.	04-1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, and 8 are rejected under 35 U.S.C. 103(a) as being obvious over Matsuda ("Matsuda", US 6,346,956) in view of Brady et al. ("Brady", US 5,434,927).

As per claim 1, Matsuda teaches a method of user interaction on the world-wide web, comprising the steps of:

defining/displaying a virtual world using at least one web site, the virtual world including a virtual geographic terrain with a set of virtual locations to a plurality of visitors to the virtual world (col. 6, lines 54-62, *virtual locations such as Tokyo or New York with geographic terrain*

consisting of buildings and roads), each being interconnected to the web site through the world-wide web (col. 27, lines 63-65);

identifying each visitor to the virtual world with a symbol superimposed on the geographic terrain (col. 3, lines 10-13, *an avatar representing the user is capable of moving around in the three-dimensional space*); and

establishing a common metric (*shared space*) with respect to each visitor, enabling one visitor to interact with another visitor in accordance with the metric (col. 28, lines 19-21 *users in a shared space play catch*).

Furthermore, Matsuda teaches a virtual world wherein a visitor may traverse within the virtual world and update his/her current location. Matsuda does not teach that this updating process allows predicting a next location. Brady teaches a method for tracking objects in a virtual environment wherein potential future positions are predicted (col. 4, lines 30-34). It would have been obvious to an artisan at the time the invention was made to combine Matsuda's teaching with Brady's method in order to improve response time. However, the method of Matsuda and Brady still does not explicitly disclose the use of cache memory. Official Notice is given that the use of cache memory was well known in the art at the time of the invention. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of this feature with the method of Matsuda and Brady in order to provide users quick access to data resulting in a more immediate presentation of the next location.

As per claims 2 and 3, Matsuda teaches the step of defining a spatial perspective within the virtual world using one or more vanishing points (fig. 10, *a vanishing point behind avatar D is used to give the perception of depth*) wherein different visitors see the virtual world from a

different perspective (figs. 10 & 11 and respective portions of the specification describes a view see from avatar C and a view seen from avatar D).

As per claim 4, Matsuda teaches the method of user interaction wherein the virtual locations include one or more virtual commercial enterprises offering goods or services for purchase by the visitors (col. 13, lines 7-10).

As per claim 8, Matsuda teaches the method of user interaction wherein the interaction between two visitors is textual (col. 28, lines 4-18).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Brady as applied to claim 1, and further in view of Cheng (US 6,396,509).

As per claims 5 and 6, Matsuda teaches the step wherein the avatar of the user can change his/her setting preferences inside the virtual world (col. 3, lines 10-13). However, Matsuda does not teach the step of using the visitor/avatar preferences to determine the level of interaction between two visitors/avatars. Cheng teaches a virtual environment wherein a profile is used in the consideration process of communication between avatars (col. 21, lines 27-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cheng's teaching of using preferences as a factor in determining level of interaction to Matsuda. The motivation for the combination is to save time by glancing through a profile to determine whether communication is desirable.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Brady as applied to claim 1, and further in view of Leahy et al. ("Leahy", US 6,219,045).

Matsuda teaches a user interaction method allowing participants to communicate with each other audibly (col. 12, lines 17-29). However, Matsuda does not disclose communication among

participants to be communication among visitors. Leahy teaches a virtual world wherein the communication between two avatars, being all visitors, is audible (col. 4, lines 59-62). It would have been obvious to an artisan at the time the invention was made to combine Leahy's teaching with Matsuda's method to allow visitors capabilities of exchanging ideas/information.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Brady as applied to claim 1, and further in view of Redman et al. ("Redman", US 5,696,892).

Matsuda teaches the symbol for a visitor is a person (figs. 10-11, D and C respectively). Matsuda does not teach whether the person is a real-life graphical representation of that visitor. Redman teaches a virtual reality environment with realistically portrayed, photo-likeness of a real-world person (col. 4, lines 40-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Redman's teaching of photo-likeness of a person in a virtual world to Matsuda. Motivation for the combination is a design preference wherein a user prefers a more realistic representation of himself/herself.

(11) Response to Argument

Group I: Rejection of Claims 1-6 and 8: Appellant argues that a) there is no suggestion to combine Matsuda and Brady, and b) Matsuda and Brady are non-analogous art.

Per (a), since both, Matsuda and Brady, record images for tracking, both record images for tracking in a virtual environment and both track images for navigational purposes, there exists a suggestion to combine.

Per (b) and in response to applicant's argument that Matsuda and Brady are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor

or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Moreover, as long as a reference addresses a particular problem, there exists a suggestion to combine. In this case, Matsuda teaches tracking images/objects in a virtual environment wherein a current location is updated; however, Matsuda does not teach that this updating process allows predicting a next location. The teaching extracted from Brady is for predicting images/objects' frequently traveled paths in a virtual environment (Abstract; col. 4, lines 30-34), the reasoning to combine being to reduce the system's response time as well as predict a user's intent and in effect serving to reduce navigational errors. Therefore, since the teaching of Brady addresses the problem in Matsuda, Brady and Matsuda are indeed analogous art.

Group II: Rejection of Claim 9: Appellant argues that there is no suggestion to combine the teachings of Leahy with that of the modified Matsuda and Brady.

Both Leahy and the modified Matsuda and Brady record images for tracking; both record images for tracking in a virtual environment. In conclusion, the Office asserts that there exists more than a mere suggestion to combine.

Group III: Rejection of Claim 10: Appellant argues that there is no suggestion to combine the teachings of Redman with that of the modified Matsuda and Brady.

Both Redman and the modified Matsuda and Brady record images for tracking; both record images for tracking in a virtual environment; both track images for navigational purposes. The Office conclusively asserts that there exists more than a suggestion to combine.

Art Unit: 2174

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Lê Nguyen
November 14, 2003

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